

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5126
(C.A. No. 77-2019)

CAROLEE BRADY HARTMAN, et al.,

Appellants,

v.

ANTONY J. BLINKEN, Secretary of State, *et al.*,

Appellees.

**APPELLEES' CERTIFICATE OF COUNSEL AS
TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to this Court's June 1, 2023, Order and Circuit Rule 28(a)(1), counsel for appellees files this certificate as to parties, rulings, and related cases.

I. Parties

Appellants, plaintiffs below, are a certified class of women who unsuccessfully applied for Foreign Service or Civil Service positions at the United States Information Agency ("USIA") during the period from October 8, 1974, to November 16, 1984. Plaintiffs' claims concerned sex discrimination in USIA's hiring practices in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* Following the class-wide liability finding, approximately 9,400 women sought relief with respect to certain entry-level USIA Foreign Service positions, and approximately 1,100 women sought relief with respect to other USIA Foreign Service positions and USIA Civil Service positions. Because there was

some overlap between the two groups of claimants, the total number of class members is somewhat less than the sum total of the two groups.

The lead named plaintiff, Carolee Brady Hartman, filed her employment discrimination complaint on November 25, 1977. Lube Medina, Rose Kobylinski, and Josephina Martinez intervened as named plaintiffs on September 11, 1978, and plaintiff Toura Kem's discrimination case was consolidated with this action by the district court on November 22, 1978. Class members Pushpa Agnihotri, Judith Ambrose, Nancy Coffee, Myra Converse, Sonya R. Davis, Patricia DeYoung, Claire Frankel, Lynn Goldman, Jahanara Hasan, Lisa M. Heilbronn, Sheila M. Hoban, Ruthann Irish, Elsa Rael, Honora Rankin-Galloway, Michal Shekel, Yolanda Marshall Tisdale, Carolyn Turner, Shirley Hill Will, Pamela E. Woodard, and Donna L. Woolf were permitted to intervene by the district court on November 23, 1994.

On September 26, 2000, the district court permitted Zuzanna Dillon, Perviz Chokhani, and Elin-Kai Toona Gottschalk, to intervene for the limited purpose of appealing from the decision denying them an opportunity to file claim forms out of time and participate in the settlement embodied in a Consent Decree that resolved class members' claims and ended the litigation on the merits. Joyce Whiten, another woman who unsuccessfully sought leave to join the class by submitting an untimely claim form, also appealed from the orders issued by the district court denying her request to file a claim form and participate in the settlement.

USIA was abolished effective October 1, 1999, pursuant to the Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, §§ 1301 *et seq.*, 112 Stat. 2681-761. Certain agency functions were transferred to the Department of State and others were placed under the control of a new independent agency, the Broadcasting Board of Governors, later renamed the United States Agency for Global Media. Consequently, the appellees, defendants below, are the Secretary of State and the Chief Executive Officer of the United States Agency for Global Media, in their respective official capacities only.

There were no amici curiae in the district court proceedings that are the subject of this appeal.

II. Rulings Under Review

Plaintiffs appeal from the Memorandum Opinion and Order issued by the Honorable Amit P. Mehta on March 31, 2023, which is available at 2023 WL 3366204. That decision denied plaintiffs' motion for a lodestar enhancement with respect to already-paid attorneys' fees.

III. Related Cases

This case was most recently before this Court in Nos. 00-5356 and 00-5368, in which the Court summarily affirmed the district court's approval of the *Hartman* Consent Decree and rejected claims by the four above-identified women who sought to join the class and participate in the settlement by filing untimely claim forms. *See*

Dillon v. Powell, 2001 WL 410461 (D.C. Cir. Mar. 15, 2001), *cert. denied*, 534 U.S. 1078 (2002).

This case was also previously before this Court in Nos. 79-2545 to 79-2547; Nos. 81-1909 to 81-1911 [published as *DeMedina v. Reinhardt*, 686 F.2d 997 (D.C. Cir. 1982)]; Nos. 92-5325 & 92-5347 [published as *Hartman v. Duffey*, 19 F.3d 1459 (D.C. Cir. 1994)]; No. 95-5030 [published as *Hartman v. Duffey*, 88 F.3d 1232 (D.C. Cir. 1996), *cert. denied*, 520 U.S. 1240 (1997)]; and Nos. 98-5540 to 98-5548, 98-5577, 99-5167 to 99-5179, 99-5374, 99-5379, and 99-5406. The appeals in Nos. 98-5540 to 98-5548, 98-5577, 99-5167 to 99-5179, 99-5374, 99-5379, and 99-5406 were voluntarily dismissed.

Undersigned counsel is not currently aware of any pending related cases.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of July, 2023, I have caused Appellees' Certificate of Counsel as to Parties, Rulings, and Related Cases and the accompanying Entry of Appearance to be served on counsel for Appellants by filing them on the Court's CM/ECF system.

/s/ Peter C. Pfaffenroth
PETER C. PFAFFENROTH
Assistant United States Attorney